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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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MEETING OF THE STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

SUMMARY RECORD OF THE THIRD MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 November 1991, at 10.30 a.m.

Temporary Chairman: Mrs. KLEIN (Representative of the Secretary-General)

Chairman: Mr. LONTAL (Hungary)

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The meeting was called to order to 10.50 a.m.

OPENING OF THE MEETING (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, declared open the Third Meeting of the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Since 28 November 1989, when they had held their Second Meeting, the number of States parties to the Convention had increased from 48 to 61. The spectacular increase in the number of ratifications of or accessions to that international instrument was clearly a matter for satisfaction, reflecting as it did the perseverance with which the international community was striving to pomote the objectives of the Convention.

2. It was appropriate to recall some landmarks in the history of the Committee against Torture, which had been established under article 17 of the Convention. The Committee had already held seven sessions of two weeks' duration each, apart from the first session, in April 1988, which had lasted one week. At the fourth and fifth sessions of the Committee, held in 1990, its members had considered reports submitted by 11 States parties, bringing the total number of reports considered since its establishment to 30. They had also begun consideration, in closed meetings, of information received under article 20 of the Convention, and had adopted a final decision, their fourth, concerning a communication submitted under article 22 of the Convention. The Committee was also striving to work in ever closer cooperation with the Special Rapporteur of the Commission on Human Rights on questions relating to torture, the members of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the European Committee for the Prevention of Torture. It had also decided to designate country rapporteurs from among its members to assist it in considering the reports submitted by States parties.

3. At its sixth and seventh sessions, held in 1991, three additional reports had been considered as well as the initial reports submitted by eight States parties. The Committee had continued its activities under articles 20 and 22 of the Convention and had adopted a final decision, the fifth to date, concerning a communication submitted under article 22. Its members had also discussed participation by the Committee in the preparatory activities for the World Conference on Human Rights and measures to enable it to strengthen its cooperation with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture. It had also adopted general guidelines regarding the form and content of the periodic reports that were to be submitted to it by States parties after 1 January 1992. In that connection she announced that, of the 54 initial reports that had fallen due, 38 had already been received. They had all been examined by the Committee, except for those received within the past few weeks and those whose consideration had been postponed at the express request of the Governments concerned.

4. At the Third Meeting of the States parties their representatives were to elect five members of the Committee against Torture to replace those whose terms of office were due to expire on 31 December 1991 (CAT/SP/10), and to discuss the responsibilities of the States parties for the expenses referred to in article 17, paragraph 7, and article 18, paragraph 5, of the Convention (CAT/SP/11).

5. With regard to the election of five members to replace the five members whose terms of office were ending, she reminded the Meeting that, in a note verbale dated 10 June 1991, the Secretary-General had invited the States parties to nominate candidates before 10 September 1991, the deadline for the registration of candidatures. The names of the candidates nominated for election as well as the States parties that had nominated them were listed in document CAT/SP/10. Addenda 1 to 3 referred to notes verbales from three Governments of States parties informing the Secretary-General of their intention of withdrawing the candidatures they had put forward. Annex I contained a list of the five members of the Committee whose terms would expire on 31 December 1991, while annex II contained a list of those who would continue to serve on the Committee until 31 December 1993. Biographical data on candidates, as furnished by the States concerned, could be found in annex III. A list of the States parties to the Convention, updated to 26 November 1991, was available for the information of participants in the present Meeting, who could also, if they so wished, consult the texts of reservations, declarations and objections made by certain States parties on certain articles of the Convention (see document CAT/C/2/Rev.1).

6. Regarding the financial responsibilities of the States parties under the Convention, she drew attention to the report submitted by the Secretary-General (CAT/SP/11) on the status of contributions received from States parties and actual expenditure and anticipated commitments for the third and fourth financial periods of activities under the Convention. To assist the States parties to assess the contributions to which they would be liable for future financial periods, the Secretary-General also informed them of the estimated expenditure under the programme budget for the fifth and sixth financial periods of activities, covering the years 1992 and 1993 respectively. He also indicated that a number of States parties had not yet paid their contributions in respect of the first, second, third and fourth financial periods.

7. On behalf of the Secretary-General, she reminded the participants that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was the first international instrument in the field of human rights which provided for an implementation system that was 100 per cent dependent on contributions from States parties. Consequently it was absolutely vital for them to do their utmost to discharge their financial obligations fully. The very effectiveness of the machinery established under the instrument depended on it: that should not be forgotten if torture was to be eliminated one day. The General Assembly and the Commission on Human Rights had drawn attention to that issue on several occasions in resolutions they had adopted recently.

ELECTION OF THE CHAIRMAN (item 2 of the provisional agenda)

8. Mr. LOCHTCHININE (Union of Soviet Socialist Republics) nominated Mr. Lontal (Hungary) for the office of Chairman.

9. Mr. STROHAL (Austria), Mr. AZAIEZ (Tunisia), Mr. FAN Guoxiang (China) and Mr. WIELAND (Peru) supported the nomination.

10. Mr. Lontal (Hungary) was elected Chairman by acclamation.

11. Mr. Lontal (Hungary) took the Chair.

12. The CHAIRMAN thanked the representatives of the States parties for the confidence they had placed in him in electing him Chairman of the Meeting.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CAT/SP/9)

13. The CHAIRMAN said that, if there was no objection, he would take it that the provisional agenda, as reproduced in document CAT/SP/9, was adopted.

14. It was so decided.

ELECTION OF OTHER OFFICERS OF THE MEETING (agenda item 4)

15. The CHAIRMAN drew attention to rules 2 and 3 of the rules of procedure (CAT/SP/2/Rev.1), which provided that the credentials of representatives and the names of members of delegations should be submitted to the Secretary-General at least one week before the date fixed for the opening of the Meeting. In his note of 18 October 1991, the Secretary-General, had invited the States parties that wished to be represented at the present Meeting to forward to him the credentials of their representatives, on which he was expected to report. However, certain States parties had still not replied to that request.

16. He suggested that the representatives of those States parties should be authorized to participate in the Meeting in accordance with the procedure set out in rule 3 of the rules of procedure, and invited them to ensure that their credentials were forwarded to the secretariat as quickly as possible.

17. It was so decided.

18. The CHAIRMAN, referring to rule 4 of the rules of procedure, reminded the representatives of States parties that they must elect one to four vice-chairmen. At the First and Second Meetings they had decided to elect four. If there was no objection, he would take it that the participants wished to maintain that practice.

19. It was so decided.

20. Mr. VAN DONGEN (Netherlands), speaking on behalf of the group of West European countries, nominated Mr. Iliopoulos (Greece) for the office of Vice-Chairman.

21. Mr. FAN Guoxiang (China), speaking on behalf of the group of Asian States, nominated Ms. de Castro-Muller (Philippines) for the office of Vice-Chairman.

22. Mr. WIELAND (Peru), speaking on behalf of the group of Latin American States, nominated Mr. Apunte (Ecuador) for the office of Vice-Chairman.

23. Mr. AZAIEZ (Tunisia), speaking on behalf of the African States, nominated Mr. Dia (Senegal) for the office of Vice-Chairman.

24. The CHAIRMAN said that, if there was no objection, he would take it that the participants as a whole supported those candidatures.

25. Ms. de Castro-Muller (Philippines), Mr. Iliopoulos (Greece), Mr. Apunte (Ecuador) and Mr. Dia (Senegal) were elected vice-chairmen by acclamation.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS OF OFFICE WILL EXPIRE ON 31 DECEMBER 1991, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1 TO 5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (agenda item 5) (CAT/SP/10 and Add.1-3)

26. The CHAIRMAN said that under article 17 of the Convention the participants in the Third Meeting of the States parties were to elect five members of the Committee against Torture for four-year terms beginning on 1 January 1992. Since the list contained in document CAT/SP/10 had been drawn up, the candidatures of Mr. Garretón (Chili), Mrs. Iliopoulos-Strangas (Greece) and Mr. de la Barrera (Mexico) had been withdrawn by the Governments concerned (see CAT/SP/10/Add.1-3).

27. Mr. STROHAL (Austria) said that two years previously, at the Second Meeting of the States parties, Senegal had withdrawn the candidature of the expert it was proposing in order to join the consensus that had formed between the groups of European and African countries, on the understanding that, at the Third Meeting, due account would be taken of the need for equitable geographical distribution. Consequently, the Western group was putting forward only one candidate at the present Meeting, in order that the African group could have an additional seat on the Committee.

28. Mr. CHABEN (Uruguay) pointed out an error in the Spanish version of document CAT/SP/10. The date "31 December 1993" in annex I should read "31 December 1991".

29. Mr. FAN Guoxiang (China), after expressing approval of the decision taken by the Western group, also drew the attention of the States parties to the need for equitable geographical distribution within the Committee, in

accordance with rule 13, paragraph 2, of the rules of procedure of the Meeting. He also thanked the Philippines for withdrawing the candidature of its representative so that the Chinese candidate would be alone in representing Asia.

30. The CHAIRMAN said that if no other candidatures were proposed, the Meeting would proceed to a vote by secret ballot.

31. At the request of the Chairman, Ms. Rodriguez-Fankhauser (Guatemala) and Mr. Guidetti (Switzerland) acted as tellers.

32. The meeting was suspended at 11.50 a.m. and it resumed at 12.25 p.m.

33. The CHAIRMAN announced the results of the vote, as follows:

Number of ballot papers:	50
Invalid ballots:	None
Number of valid ballots:	50
Abstentions:	None
Number of representatives voting:	50
Required majority:	26
Number of votes obtained:	
Mr. Gil Lavedra (Argentina)	46
Mr. Lorenzo (Uruguay)	45
Mr. Burns (Canada)	39
Mr. Ben Ammar (Tunisia)	29
Mr. El Ibrashi (Egypt)	28
Mr. Wu Han (China)	23
Mr. Bouzertini (Algeria)	20

34. Having obtained the required majority, Mr. Gil Lavedra, Mr. Lorenzo, Mr. Burns, Mr. Ben Ammar and Mr. El Ibrashi were elected members of the Committee against Torture for a term of four years beginning on 1 January 1992.

35. Mr. STROHAL (Austria), speaking on behalf of the Western group, paid tribute to the efforts made by States parties to ensure equitable geographical distribution. Those efforts should be continued at the next Meeting to ensure that Asia was better represented in the Committee.

36. Mr. AZAIEZ (Tunisia), after thanking the delegations that had supported the candidature of Mr. Ben Ammar, congratulated the other candidates who had been elected. On behalf of the African group, he expressed appreciation to the countries which had helped to ensure the election of two candidates from the region. Like Mr. Strohal, he thought it would be desirable for Asia to be better represented on the Committee in the future.

37. Mr. NOVILLO SARAVIA (Argentina), after thanking the delegations that had voted for Mr. Gil Lavedra, congratulated the newly elected members.

38. Mrs. ABOUL-EZZ (Egypt) thanked the delegations that had voted for the Egyptian candidate.

39. Mr. CHABEN (Uruguay) thanked the delegations that had voted for the Uruguayan candidate, and congratulated the newly elected members.

40. Mr. SEMICHI (Algeria) congratulated all the members who had been elected to the Committee, and particularly the African experts.

RESPONSIBILITIES OF THE STATES PARTIES FOR THE EXPENSES REFERRED TO IN ARTICLE 17, PARAGRAPH 7, AND ARTICLE 18, PARAGRAPH 5, OF THE CONVENTION: REPORT OF THE SECRETARY-GENERAL (agenda item 6) (CAT/SP/11)

41. The CHAIRMAN drew the attention of the representatives of the States parties to document CAT/SP/11, containing a report by the Secretary-General on the status of contributions paid by States parties, actual expenditure and commitments anticipated for the third and fourth financial periods (1 January-31 December 1990 and 1 January-31 December 1991, respectively). The report also set out the programme budget implications for the fifth and sixth financial periods (1992 and 1993).

42. Mr. LE BLANC (Chief, Financial Resources Management Service) observed that the estimates for 1992 and 1993 had been drawn up on the basis of requirements similar to those of 1990 and 1991, while adding 12 months' support services for each period in view of the increase in the volume of activities connected with the application of the Convention. Consequently, the increase in the other items indicated did not represent resource growth but merely resulted from inflation. Estimates for the 1992 financial period and for 1993 did not include additional costs that might be incurred for any activities carried out under article 20 of the Convention. Should any such activities take place, the related expenditure would be reported to the next Meeting of the States parties.

43. The statement of contributions had been drawn up on 30 September 1991. Since that date, the following contributions had been received: $20,531 from Argentina; $4,780 from Colombia, as an advance payment against the 1992 assessment; and $17,500 from Czechoslovakia. A few countries had indicated that payment of their contribution was in process, but payments which had not actually been received had not been included in the report.

44. The report showed that outstanding contributions totalled $478,532. Total contributions received to date amounted to some $3,648,000, and the total expenditure incurred to date was $3,010,000, so that the balance in hand was $638,000. Consequently, in view of the present financial situation of the Organization, planned activities under the Convention could continue only if sufficient funds were collected from States parties. Given the importance of such activities, it was to be hoped that the States parties would fully discharge their financial obligations.

45. The CHAIRMAN thanked Mr. Le Blanc for his explanations. He then read out the following draft decision, which he invited the States parties to adopt:

"The States parties to the Convention against Torture,

Meeting for the third time, on 26 November 1991,

Welcoming the large number of ratifications of the Convention since the last Meeting of States parties, on 28 November 1989,

Aware of their responsibilities under article 17, paragraph 7, and article 18, paragraph 5, of the Convention,

Increasingly concerned about the viability of the financial regime established pursuant to the Convention and, in particular, about the substantial increase in the proposed programme budget for 1992 and 1993 as compared to the previous two financial periods and about the extra financial burden placed on the States parties as a result of the increase,

Keenly conscious that the extra financial burden is only partly compensated by the increase in the number of States parties, and may thus exacerbate the accumulation of arrears in the payment of assessed contributions, which, in turn, may in due course have a paralysing effect on the monitoring of the Convention's implementation,

Respecting the independence of the Committee against Torture in establishing its rules of procedure pursuant to article 18, paragraph 2, of the Convention,

Alarmed that, without prejudice to the principle that the United Nations should, as a rule, apply six official languages, the financial burden would grow disproportionately if one or two working languages of the Committee against Torture were to be added to the existing ones,

1. Take note of the report by the Secretary-General contained in document CAT/SP/11;

2. Reaffirm that all States parties must comply fully and promptly with their financial obligations under the Convention;

3. Urge States parties that have not yet paid their assessed contributions, and in particular those whose arrears pertain to two or more consecutive financial periods, to fulfil their obligations forthwith;

4. Invite the Committee against Torture, in case it wishes to review the number of its working languages, to take the present decision into account;

5. Approve the programme budget estimates proposed for 1992 and 1993 as set out in annexes VII and IX of the report of the Secretary-General contained in document CAT/SP/11;

6. Request the Secretary-General to continue to submit conservative programme budget estimates for the following financial periods, in order not to increase the financial burden on States parties unduly;

7. Request the Secretary-General to continue informing the States parties on the status of payments of contributions within six months after the transmittal of the assessment notices, and subsequently whenever the situation of financial resources so requires;

8. Request the Secretary-General to bring the present decision to the attention of the Committee against Torture and of the General Assembly."

46. Mr. FAN Guoxiang (China) expressed a reservation regarding the seventh preambular paragraph and the fourth operative paragraph of the draft decision. Although at present four languages were used at the Meetings of the Committee against Torture and the Meetings of the States parties, it had always been the principle of the United Nations to use six official languages. He did not require Chinese to become a working language in the Committee and at the Meetings of the States parties immediately, but was concerned that the possibility of using one or two other languages in addition to those currently used should not be ruled out, which was what the seventh preambular paragraph appeared to do. The financial burden should not be an obstacle to the use of a larger number of languages if that was necessary; the budget should be increased if need be. He pointed out that China was up to date in paying its contribution.

47. Mr. OMAR (Libyan Arab Jamahiriya) thanked the representative of China for drawing attention to a matter of principle, and supported his statement.

48. The CHAIRMAN took note of the comments made by the representatives of China and the Libyan Arab Jamahiriya. If there was no objection, he would take it that the Meeting adopted the draft decision he had read out.

49. It was so decided.

50. Mr. ILIOPOULOS (Greece), referring to annex X of document CAT/SP/11, said that his country's contribution had not been paid for technical reasons, but that the payment would be made very shortly.

51. Mr. SEMICHI (Algeria) said that payment of Algeria's arrears was in the process of being made.

52. Mr. DOBREV (Bulgaria) said that his Government had ordered the payment of the amounts due a few days previously.

53. The CHAIRMAN, after thanking the representatives of the States parties, declared the Third Meeting closed.

The meeting rose at 1 p.m.